

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

**JOINT STIPULATION AND [PROPOSED] ORDER TO MOVE THE
PRETRIAL ORDER DEADLINE^S**

Plaintiff Samsung Electronics Co., Ltd. (“Samsung”) and Defendant Imperium IP Holdings (Cayman), Ltd. (“Imperium”) jointly stipulate, subject to the Court’s approval, to move the deadline for filing of the joint proposed pretrial order from June 9, 2021, to June 23, 2021, in view of an anticipated settlement between the parties. The parties have agreed to and intend to execute a Confidential Memorandum of Understanding that sets forth the primary terms of the settlement. In support of this joint stipulation and request, the parties state as follows:

1. The Court's May 11, 2020 Scheduling Order (D.I. 101) requires that the parties on June 9, 2021 file: (i) a joint proposed final pretrial order (including motions *in limine*) in compliance with Local Rule 16.3(c); (ii) any proposed *voir dire* form, pursuant to Local Rule 47(a)(2); and (iii) preliminary and final jury

instructions, pursuant to Local Rule 51.1; and (iv) any special verdict form, pursuant to Local Rule 51.1(c).D.I. 101 ¶¶ 13, 14, 18.

2. The pretrial conference is scheduled for June 30, 2021, with trial to begin on July 19, 2021. D.I. 101 ¶¶ 13, 19.

3. Samsung and Imperium have agreed to the terms of, and expect to execute, a Confidential Memorandum of Understanding, setting forth the terms of an agreement in principal to settle this case and all other actions between the parties upon execution of a mutually-agreed upon settlement agreement.

4. As stated in the Confidential Memorandum of Understanding, the parties will work with all reasonable diligence to finalize and execute the Settlement Agreement by June 18, 2021 with dismissals to be filed by June 23, 2021.

5. To facilitate the execution of a final settlement agreement, Samsung and Imperium jointly request that the June 9, 2021 deadline for filing (i) a joint proposed final pretrial order, (ii) any proposed *voir dire* form, (iii) preliminary and final jury instructions, and (iv) any special verdict form be extended to June 23, 2021. No other modification to the Scheduling Order is requested at this time.

6. Good cause exists to modify the Scheduling Order to provide the requested extension. The requested extension will allow the parties to focus their efforts on reaching settlement while avoiding unnecessary expenses associated with

pretrial activities. The parties fully anticipate that a settlement agreement will be reached by June 18, 2021, promoting judicial economy by negating the need for trial.

7. In addition, neither party will be prejudiced by the proposed modification to the Scheduling Order. Should the parties fail to reach final agreement on settlement, the parties will submit the joint proposed pretrial order and other required documents on June 23, 2021, and will be prepared to move forward with the pretrial conference and trial as scheduled, *on July 14, 2021 at 3:00 p.m.* ~~subject to the Court's approval.~~

8. The parties further attest that this joint stipulation is not brought for improper purpose or delay to the Court's schedule.

In light of the foregoing, and for good cause shown, the parties jointly request that the Court modify the Scheduling Order to extend the deadline for filing of the joint proposed pretrial order, motions *in limine*, preliminary jury instructions, final jury instructions, and any jury *voir dire* or special verdict forms to June 23, 2021.

Respectfully submitted,

/s/ Joelle E. Polesky

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Dated: June 7, 2021

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IT IS SO ORDERED this 8th day of June, 2021.



Hon. Colm F. Connolly
United States District Judge